

McGinnes Industrial Maintenance Corporation

9590 Clay Road • Houston, Texas 77080 • 713-772-9100 • 832-668-3188 Fax

September 3, 2014

Mr. Bob Werner, MC 6SF-TE
U.S. Environmental Protection Agency, Region 6
Superfund Branch (6SF-RA)
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

Re: Financial Responsibility – Remedial Investigation and Feasibility Study (RI/FS)
San Jacinto River Waste Pits (SJWP), Harris County, Texas
SSID No. 06ZQ, EPA ID No. TXN000606611

Dear Mr. Werner:

As required by the EPA Special Notice Letter to MIMC on July 17, 2009, the potentially responsible parties (PRP's) submitted a Joint Good Faith Offer to the EPA on September 9, 2009. The Good Faith Offer included proof of MIMC's ability to provide one half the financial responsibility for the SJWP RI/FS. Note that the previous bond submitted with the Joint Good Faith Offer was set to expire on September 18, 2014. Attached are the Continuation Certificate/Rider and Power of Attorney for the Performance Bond for the above referenced RI/FS.

If you have any questions or require additional information, please feel free to give me a call at 713-773-9100, ext. 109. Thanks and best regards,

MIMC



Andrew L. Shafer, P.E.
Project Manager

Attachment
ALS/me

XC:

Anne Foster - EPA - (pdf- email)-w/attachment
Gary Miller - EPA - (pdf- email)-w/attachment
Laura Sudduth- - (pdf- email)-w/attachment
David Moreira - (pdf- email)-w/attachment
Steve Joyce – (pdf- email)-w/attachment
Francis Chin – (pdf-email)-w/attachment
Al Axe – (pdf-email)-w/attachment

CONTINUATION CERTIFICATE

The Lexon Insurance Company, 10002 Shelbyville Road, Suite 100, Louisville, KY 40223, as Surety upon

Bond Number: 1036654

dated effective Friday, September 18, 2009

on behalf of McGinnes Industrial Maintenance Corporation, 1-10 San Jacinto River, Channelview, TX 77530

and in favor of United States Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, TX 75202-2733

does hereby continue said bond in force for the further period

beginning on Thursday, September 18, 2014

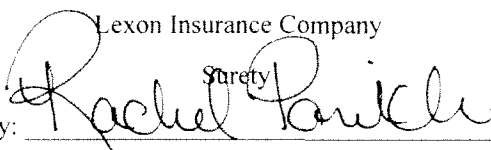
and ending on Friday, September 18, 2015

Amount of bond: ONE MILLION FIVE HUNDRED THOUSAND AND 00/100 Dollars (\$1,500,000.00)

Description of bond: EPA Special Notice Letter - RI/FS

Provided: That this continuation certificate does not create a new obligation and is executed upon the express condition and provision that the Surety's liability under said bond and this and all Continuation Certificates issued in condition therewith shall not be cumulative and the said Surety's aggregate liability under said bond and this and all such Continuation Certificates on account of all defaults committed during the period (regardless of the number of years) said bond had been and shall be in force, shall not in any event exceed the amount of said bond as hereinbefore set forth.

Signed, sealed and dated on Wednesday, August 20, 2014

Lexon Insurance Company
By:  Surety
Rachel Parikh, Attorney-in-Fact

Lexon Insurance Company

KNOW ALL MEN BY THESE PRESENTS, that **LEXON INSURANCE COMPANY**, a Texas Corporation, with its principal office in Louisville, Kentucky, does hereby constitute and appoint: Brook T. Smith, Raymond M. Hundley, Jason D. Cromwell, James H. Martin, Barbara Duncan, Sandra L. Fusinetti, Mark A. Guidry, Jill Kemp, Jackie C. Koestel, Lynnette Long, Amy Meredith, Deborah Neichter, Sheryon Quinn, Bonnie J. Wortham, Jessica Nowlin, Rachel Parikh its true and lawful Attorney(s)-In-Fact to make, execute, seal and deliver for, and on its behalf as surety, any and all bonds, undertakings or other writings obligatory in nature of a bond.

This authority is made under and by the authority of a resolution which was passed by the Board of Directors of **LEXON INSURANCE COMPANY** on the 1st day of July, 2003 as follows:

Resolved, that the President of the Company is hereby authorized to appoint and empower any representative of the Company or other person or persons as Attorney-In-Fact to execute on behalf of the Company any bonds, undertakings, policies, contracts of indemnity or other writings obligatory in nature of a bond not to exceed \$ 4,000,000.00, Four Million dollars, which the Company might execute through its duly elected officers, and affix the seal of the Company thereto. Any said execution of such documents by an Attorney-In-Fact shall be as binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company. Any Attorney-In-Fact, so appointed, may be removed for good cause and the authority so granted may be revoked as specified in the Power of Attorney.

Resolved, that the signature of the President and the seal of the Company may be affixed by facsimile on any power of attorney granted, and the signature of the Assistant Secretary, and the seal of the Company may be affixed by facsimile to any certificate of any such power and any such power or certificate bearing such facsimile signature and seal shall be valid and binding on the Company. Any such power so executed and sealed and certificate so executed and sealed shall, with respect to any bond of undertaking to which it is attached, continue to be valid and binding on the Company.

IN WITNESS THEREOF, **LEXON INSURANCE COMPANY** has caused this instrument to be signed by its President, and its Corporate Seal to be affixed this 21st day of September, 2009.



LEXON INSURANCE COMPANY

BY _____

David E. Campbell
President

ACKNOWLEDGEMENT

On this 21st day of September, 2009, before me, personally came David E. Campbell to me known, who be duly sworn, did depose and say that he is the President of **LEXON INSURANCE COMPANY**, the corporation described in and which executed the above instrument; that he executed said instrument on behalf of the corporation by authority of his office under the By-laws of said corporation.



AMY L. TAYLOR
Notary Public- State of Tennessee
Davidson County
My Commission Expires 01-09-16

BY _____

Amy L. Taylor
Notary Public

CERTIFICATE

I, the undersigned, Assistant Secretary of **LEXON INSURANCE COMPANY**, A Texas Insurance Company, DO HEREBY CERTIFY that the original Power of Attorney of which the forgoing is a true and correct copy, is in full force and effect and has not been revoked and the resolutions as set forth are now in force.

Signed and Seal at Mount Juliet, Tennessee this 20th Day of August, 2014.



BY _____

Andrew Smith
Assistant Secretary

"WARNING: Any person who knowingly and with intent to defraud any insurance company or other person, files and application for insurance of claim containing any materially false information, or conceals for the purpose of misleading, information concerning any fact material thereto, commits a fraudulent insurance act, which is a crime and subjects such person to criminal and civil penalties."